

## REMARKS

The response is accompanied by a Petition for an Extension of Time and the appropriate fees. The Office communication sent December 26, 2008 has been received and reviewed. Clarifying amendments are to be made to the claims and specification as previously set forth. All amendments are made without prejudice or disclaimer. The amendments do not surrender any scope of any claim as originally filed. No new matter has been added.

This communication is in response to the Restriction Requirement of December 26, 2008. Claims 1 through 29 are currently pending in the application and subject to a restriction requirement purportedly because “the special technical feature defining Group I lacks novelty in the art, unity of invention is not supported.” *Office Action*, December 26, 2008, p. 2. However, Group I is novel, at least, because Colin *et al.* (WO 00/61068) does not describe an *aqueous* micellar formulation. Specifically, Colin *et al.* does not disclose a formulation including “from about 50 g to about 350 g of water per litre of formulation” as recited in independent claim 1. As such, the claims of Group I are novel and have a corresponding special technical feature to the claims of Group II. Nevertheless, in order to advance prosecution, Applicant elects to prosecute the claims of Group I (*i.e.* claims 1 through 23). The claims of withdrawn Group II (*i.e.* claims 24 through 29) remain for later rejoinder.

### **Please Note Information Disclosure Statement**

Applicant wishes to draw the Examiner’s attention to the Information Disclosure Statements filed with the Office on **05/02/06, 05/30/08, 07/09/08** and respectfully requests that the documents or other information referenced therein be made of record in the present application and that an initialed copy of the PTO-1449 form be returned to the undersigned attorney evidencing same.

Should any of the documents, or portions thereof, be unavailable to the Examiner for any reason, please contact the undersigned attorney, who will supply same immediately by facsimile or other suitable method of delivery.

The application should now be in condition for substantive examination. If however questions exist after consideration of the foregoing, the Office is kindly requested to contact applicant's undersigned attorney.

Respectfully submitted,



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Enclosure: Petition for Extension of Time